



STATE OF INDIANA

TODD ROKITA, Secretary of State

J. Bradley King, Co-Director
Kristi Robertson, Co-Director

ELECTION DIVISION

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June 19, 2006

Wan J. Kim
Assistant Attorney General
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Assistant Attorney General Kim:

Thank you for your letter regarding voter registration list maintenance activities in Indiana. I do apologize for the delay in my response. Post election duties here at the Election Division have had my attention the last couple of weeks. As I indicated on a conference call with Eric Eversole on March 31, 2006, I am willing to enter into negotiations with the Department for a memorandum of agreement detailing Indiana's plan for voter list maintenance activities that comply with NVRA.

Although a statewide mailing to all registered voters in Indiana may be possible in the future, I do not believe that this year is the time to perform such a mailing for the reasons I set forth in my May 5, 2006 letter to Secretary Rokita on which Mr. Eversole was copied.

In addition to those reasons, we at the Election Division recently learned that possibly hundreds of voters appeared on two different poll books in different precincts at the May 2, 2006 Indiana Primary Election. In fact, our own Secretary of State (through no fault of his own) appeared on two different poll books. This situation is not due to duplicate registrations but a problem with how the Indiana Statewide Voter Registration System (SVRS) is processing data. Our SVRS vendor is working on a remedy to correct this situation; however, I currently am very concerned about sending a statewide mailing to over 4 million Hoosier voters and possibly disfranchising someone because we based our mailing on faulty information. Although the SVRS will become a useful tool for better voter list maintenance activities, there are still some corrections and improvements that must be made to this new system before we attempt something as ambitious and costly as a statewide mailing.

Nevertheless, there are several voter list maintenance activities that we can do right now as set forth in my earlier letter. In Mr. King's letter of May 25, 2006, he states that my proposals have been tried in Indiana with "mixed" results because the State still had to rely on the counties to process this information. But a statewide mailing would have the same problem. Indiana law provides that only the county voter registration offices can perform maintenance activities on voter registration records. Therefore, whether the State conducts a statewide mailing to place people on inactive status or the other activities I suggest, we are still in the position of relying on the counties to process this information. Indiana law does not provide the Election Division or the Secretary of State's Office with enforcement power to mandate that counties process the information provided by the State.

In addition, the only clean-up activity accomplished by a statewide mailing is to place voters on inactive status and remove them after two general elections. With my proposed solutions, deceased voters and voters canceling their previous registrations can be removed from Indiana's voter rolls immediately without a four year waiting period.

That being said, I do look forward to hearing from you to begin discussions about a possible agreement to establish a plan for Indiana's NVRA-related voter list maintenance activities.

Sincerely,

A handwritten signature in black ink that reads "Kristi Robertson". The signature is written in a cursive, flowing style.

Kristi Robertson
Co-Director

cc: The Honorable Todd Rokita, Indiana Secretary of State
Mr. Dan Parker, Chairman, Indiana Democratic Party
Mr. Murray Clark, Chairman, Indiana Republican Party
Mr. Eric Eversole, Civil Rights Division, U.S. Department of Justice
Mr. J. Bradley King, Co-Director, Indiana Election Division